



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450
Alexandria, VA 22313 on August 6, 2004.

Frank C. Eisenschenk
Frank C. Eisenschenk, Ph.D., Patent Attorney

IF w/ \$
**PETITION AND FEE FOR EXTENSION
OF TIME UNDER 37 CFR §1.136(a)**
Examining Group 1615
Patent Application
Docket No. GIR-105CXC1
Serial No. 10/765,664

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1615
Applicants : Leonard S. Girsh
Serial No. : 10/765,664
Filed : January 26, 2004
Conf. No. : 9812
For : Composition with Anti-Inflammatory, Protein Synthesizing, Enzyme Deficiency Activating Genetic Therapy and Anti-Cancer Activity and Methods of Use

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION AND FEE FOR EXTENSION OF TIME UNDER 37 CFR §1.136(a)

Sir:

Applicant requests that the period for response to the Notice to File Missing Parts of Nonprovisional Application dated May 6, 2004 be extended one month through and including August 6, 2004. A Transmittal Letter accompanies this Petition. Please charge the fee of \$55.00 to Deposit Account No. 19-0065.

08/18/2004 AADDF01 00000007 190065 10765664
Sale Ref: 00000020 DA# 190065 10765664
01 FC:2251 55.00 DA

08/18/2004 AADDF01 00000020 10765664
01 FC:2251 55.00 DA

I hereby certify that this correspondence is being
facsimile transmitted to the United States Patent
and Trademark Office on October 4, 2004.

Frank C. Eisenschenk
Frank C. Eisenschenk, J.D., Patent Attorney

REQUEST FOR REFUND
Examining Group 1615
Patent Application
Docket No. GIR-105CXC1
Serial No. 10/765,664

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1615
Applicant : Leonard S. Girsh
Serial No. : 10/765,664
Filed : January 26, 2004
Conf. No. : 9812
For : Composition with Anti-Inflammatory, Protein Synthesizing, Enzyme Deficiency Activating Genetic Therapy and Anti-Cancer Activity and Methods of Use

Attention: Refunds
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir:

Applicant respectfully requests a refund in the above-referenced patent application. On August 6, 2004, Applicant's undersigned representative submitted by mailed transmission a Transmittal Letter (in triplicate) for payment of the small entity surcharge of \$65.00 together with the following: a Petition and Fee for Extension of Time Under 37 CFR 1.36(a) (in triplicate) authorizing \$55.00 payment for one month extension of time; original executed Declaration and Power of Attorney forms; copy of Notice to File Missing Parts dated May 6, 2004; Submission of Application Data Sheet under 37 CFR 1.76 with attached application Data Sheet; Request for Corrected Filing Receipt with attached redlined copy of Filing Receipt and page one of Application as-filed; Preliminary Amendment; and Return Receipt Postcard. The Return Receipt Postcard acknowledging receipt of the papers as noted above was received by the Patent Office of Initial

J:\KIRK\105CXC1\reg.refund-duplicate charge.doc\IND\ma

BEST AVAILABLE COPY

2

Docket No. MOR-5000D2
Serial No. 09/873,835
Patent No. 6,482,598

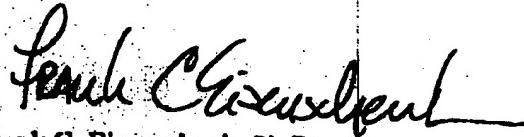
Examination on August 9, 2004 and received by Applicant's undersigned representative on August 16, 2004.

On August 10/2004, the undersigned's Deposit Account No. 19-0065 was properly charged \$65.00 as the small entity surcharge (control number 97) and \$55.00 as the fee for one-month extension of time (control number 98). However, on August 18, 2004, the undersigned's Deposit Account 19-0065 was again charged a \$55.00 fee for the one-month extension of time (control number 42). Applicant notes that the charge and fee code associated with control number 98 are identical to those of control number 42.

The Applicant's undersigned representative respectfully asserts that Deposit Account No. 19-0065 should only have been charged once for payment of the fee for a one-month extension of time. Applicant's undersigned's Deposit Account No. 19-0065 has not, as of this date, been credited for the duplicate charge. A copy of the Deposit Account statement for August 31, 2004 is attached.

Applicant respectfully requests that a refund in the amount of \$55.00 be credited to Applicant's undersigned representative's Deposit Account No. 19-0065.

Respectfully submitted,



Frank C. Eischenschenk, Ph.D.
Patent Attorney
Registration No. 38,261
Phone No.: 352-375-8100
Fax No.: 352-372-5800
Address: Saliwanchik, Lloyd & Saliwanchik
A Professional Association
P.O. Box 142950
Gainesville, FL 32614-2950

FCE/asn

Attachment: Copy of Deposit Account statement dated August 31, 2004

J:\K\K\K\105CXC\req refund-duplicate charge.doc\2011\08\

BEST AVAILABLE COPY



MONTHLY STATEMENT OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

SALIWANCHIK, LLOYD & SALIWANCHIK

2421 NW 41ST STREET
SUITE A-1

FINA

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov

Account No.
190065
Date
8-31-04
Page
2

PLEASE SEND REMITTANCES TO:

8 10 04	97	10765664	GIR-105CXC1	2051	65.00
8 10 04	98	10765664	GIR-105CXC1	2251	55.00

BEST AVAILABLE COPY



MONTHLY STATEMENT OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

SALIWANCHIK, LLOYD & SALIWANCHIK

FINA

2421 NW 41ST STREET
SUITE A-1
GAINESVILLE FL 32606

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov

Account No.
190065
Date
8-31-04
Page
4

PLEASE SEND REMITTANCES TO:
U. S. Patent and Trademark Office
P.O. Box 70541
Chicago, IL 60673

DATE POSTED MO. DAY YR.	CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEES CODE	CHARGES/ CREDITS	BALANCE
----------------------------	----------------	--	------------	--------------	---------------------	---------

8 18 04	42	10765664	GIR-105CXC1 2251	55.00
---------	----	----------	-------------------	-------

BEST AVAILABLE COPY

FACSIMILE COVER SHEET**SALIWANCHIK, LLOYD & SALIWANCHIK**

A Professional Association
P.O. Box 142950
Gainesville, FL 32614-2950

Telephone (352) 375-8100
Facsimile (352) 372-5801

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named below. This message may be an attorney-client communication, and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message by mail. Thank you.

TO: Refunds Department

COMPANY: United States Patent & Trademark Office

FROM: Frank C. Eisenschenk, Ph.D.

DATE: October 4, 2004

FAX NO.: (703) 308-6778

NO. OF PAGES (INCLUDING COVER SHEET): 5

SUBJECT/MESSAGE:

Re: U.S. Patent Application Docket No. GIR-105CXC1
Serial No. 10/765,664; filed January 26, 2004

Request for Refund (4 pages, including attachments)

If you do not receive all pages or if any transmission is not legible, call the sender at (352)375-8100.

JAG/JK\105CXC1\Fax\Req-for-Refund.dwt\TND\Ass

BEST AVAILABLE COPY